

**REMARKS**

Claims 1 and 3-13 were pending, claim 1 being independent.

Claims 1 and 8-13 have been amended.

Claims 22-28 have been added.

No claims have been canceled.

After this amendment, claims 1, 3-13 and 22-28 are pending, with claims 1, 23 and 26 being independent.

**Examiner Interview Summary**

On October 2, 2007 the Attorney for the Applicants had a telephonic interview with Examiner A. Lang. The Attorney and Examiner discussed the prior art, proposed claims and claim amendments.

Regarding U.S. Patent No. 5,800,442, to Wolf (hereinafter Wolf), the Attorney clarified that the apparatus shown in FIGs. 8 and 12 of Wolf was a plunger not a lumen. The Examiner agreed.

Regarding U.S. Patent Applic. Publication No. 220/0022881 to Figueroa (hereinafter Figueroa), the Attorney and the Examiner discussed whether Figueroa discloses a lumen having a first diameter at a location distal to and adjacent a loading bay and a larger diameter distal to the first location. No agreement was reached regarding whether Figueroa discloses such a lumen; however, the Examiner indicated that if claim 1 were amended to recite a device having a region of increasing diameter that terminates at the open tip, it would define over the prior art of record.

Additionally, the Examiner and Attorney discussed whether a claim including a lumen as described above and compressor would define over the prior art. The Examiner and the Attorney agreed that, if limitations of (i.) a moveable compressor and (ii.) a lumen having a first diameter at a location distal to and adjacent a loading bay and a larger diameter distal to the first location were included, such a claim would define over the prior art.

Finally, the Examiner and the Attorney discussed a method of preparing an IOL for injection including compressing the IOL and subsequently advancing the IOL through a first portion of lumen without increasing the IOLs diameter and then advancing the IOL further down

the lumen through a portion configured to permit the IOL to increase in cross section. The Examiner agreed that such a method would define over the prior art of record.

#### **Claims in view of Wolf**

Claims 1 and 3-6 were rejected under 35 U.S.C. 102(b) over Wolf. Claims 7-13 were rejected under 35 U.S.C. 103 over Wolf.

As discussed above, during the Interview it was clarified that the portions of Wolf cited in the Office Action are directed to a plunger not a lumen, and the pending claims define over Wolf.

Withdrawal of all rejections based on Wolf is respectfully requested.

#### **Claims in view of Figueroa**

Claims 1, 3-6, 8 and 10 were rejected under 35 U.S.C. 102(b) over Figueroa. Claims 7 and 11-13 were rejected under 35 U.S.C. 103 over Figueroa.

Claim 1 has been amended to recite a device for injecting a foldable IOL comprising "a lumen said lumen comprising a region of increasing diameter that terminates at said open tip." As indicated above, during the Examiner interview, the Examiner indicated that such a claim defined over Figueroa.

Claims 3-8 and 10-13 depend from claim 1 and are patentable over Figueroa for at least the same reasons as claim 1.

Withdrawal of the rejections of claims 1, 3-8 and 10-13 is respectfully requested.

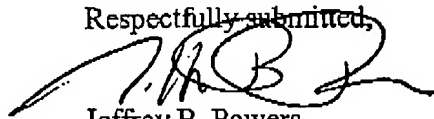
New independent apparatus claim 23 recites a device for injecting a foldable IOL comprising "a moveable compressor connected to the injector body proximate [an] opening and configured and arranged to compress the IOL when the IOL is disposed in [a] loading bay" as well as that "[a] lumen [having] a first diameter at a first location proximate and distal to said distal end of the loading bay area and having a second diameter that is larger than the first diameter at a second location intermediate said first location and open tip." As indicated above, during the Examiner interview, the Examiner indicated that such a claim, including "a moveable compressor," defined over Figueroa.

New independent method claim 26 includes steps as agreed to during the Interview as defining over Figueroa.

Allowance of new claims 22-28 is respectfully requested.

In view of the scope of the Examiner Interview, the Attorney respectfully requests that, if the Examiner does not agree that the claims are allowable after this amendment, the Examiner call the Attorney at the number provided below.

Respectfully submitted,



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